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11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE, INC.,

19 Defendant.
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Case No. 3:10-cv-03561 WHA

**DECLARATION OF EDWARD A.
BAYLEY IN SUPPORT OF ORACLE'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

1 I, EDWARD A. BAYLEY, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate at the law firm of Kecker & Van Nest LLP, counsel to Google Inc. ("Google") in the
4 above-captioned action. In accordance with Local Rule 79-5(d)(1)(A), I submit this declaration
5 in support of Oracle's Administrative Motion to File Under Seal. Dkt. 1464. I have knowledge
6 of the facts set forth herein, and if called upon as a witness, I could testify to them competently
7 under oath.

8 2. The redacted portions of page 12, ¶ 34, page 18, ¶¶ 56, 59, 60, and Appendix O of
9 Exhibit 4 to the Declaration of Gabriel M. Ramsey in Support of Oracle's Opposition to Google's
10 Motion to Strike Portions of Oracle's Expert Reports ("Ramsey Declaration") summarize, quote
11 from, or otherwise reproduce portions of non-public Google source code. Those summaries,
12 quotations, and reproductions of non-public Google source code contain highly confidential and
13 sensitive information regarding the structure, function, and operations of Google products, and
14 services. Google's non-public source code is a trade secret, and Google has consistently sought
15 to maintain this non-public information as confidential and secret. Disclosure of the redacted
16 information would create a serious risk of substantial harm to Google, as disclosure of trade
17 secret information regarding Google source code would seriously undermine Google's
18 competitive position in the marketplace and undermine the security of Google's products and
19 services.

20 3. Appendix O of Exhibit 4 to the Ramsey Declaration contains non-public
21 information purportedly reflecting the interpretation and enforcement of a confidential agreement
22 between Google and non-party Samsung Electronics Co. Google considers this information to be
23 highly-confidential and has always treated as such. Google does not disclose this information to
24 the public. Public disclosure of this information could severely impact Google's ability to
25 negotiate, among other things, similar agreements with other third parties now or in the future.

26 4. Both Figure 8 at page 36 as well as the redacted portions of page 36, ¶112 and
27 page 38, ¶ 118, purports to summarize, quote from, or otherwise reproduce non-public
28 information disclosed by Google in this action regarding the number of Android device

1 activations over time. Google considers this information to be highly-confidential and has always
2 treated as such. Google does not disclose this information to the public. Disclosure of the
3 redacted information would create a serious risk of substantial harm to Google could seriously
4 undermine Google's competitive position in the marketplace and could severely impact Google's
5 ability to, among other things, negotiate agreements with other third parties now or in the future.

6 5. The above portions of the Exhibit 4 of the Ramsey Declaration should therefore be
7 filed under seal.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct to the best of my knowledge.

10 Executed this 5th day of February, 2016 at San Francisco, California.

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12 By: /s/ Edward A. Bayley
13 EDWARD A. BAYLEY
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